

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF)	
STATE, COUNTY AND MUNICIPAL)	
EMPLOYEES, LOCAL 2305)	
)	
Charging Party)	
)	
)	
v.)	
)	<u>ULP NO. 03-10-407</u>
)	
STATE OF DELAWARE, DEPARTMENT)	
OF HEALTH AND SOCIAL SERVICES,)	
DIVISION OF ALCOHOLISM, DRUG ABUSE)	
AND MENTAL HEALTH, DELAWARE)	
PSYCHIATRIC CENTER)	
)	
Respondent.)	

ORDER OF DISMISSAL

1. American Federation of State, County and Municipal Employees, Local 2305 (“AFSCME”) is an employee organization within the meaning of 19 Del. C. Section 1302(i) of the Public Employment Relations Act, and the exclusive bargaining representative within the meaning of 19 Del.C. Section 1302(j), for the bargaining unit certified by the State of Delaware, Public Employment Relations Board, Representation Petition No. 96-02-168.
2. State of Delaware, Department of Health and Social Services, Division of Alcoholism, Drug Abuse and Mental Health, Delaware Psychiatric Center (“State” or “DHSS, DADAMH”) is a public employer within the meaning of the Public Employment Relations Act, 19 Del. C. Section 1302(p).

3. On October 14, 2003, AFSCME filed an Unfair Labor Practice Charge with the Public Employment Relations Board (“PERB”), alleging violations of 19 Del.C. Sections 1307(a)(5) and (a)(8) by DHHS, DADAMH, when it refused to provide AFSCME with a copy of the “2001 Nurse Consultant Report,” a document requested in the normal course of negotiations.
4. On October 22, 2003, the State filed its Answer to the Unfair Labor Practice Charge, denying all material allegations.
5. On November 24, 2003, PERB issued a Probable Cause Determination, finding that the pleadings constituted reason to believe that an unfair labor practice may have occurred. The parties were offered dates for an informal conference to discuss whether a hearing was necessary or whether the parties could agree to a stipulated set of facts on which argument could be made and a decision rendered in lieu of a hearing.
6. By letter dated February 2, 2004, AFSCME advised the PERB it had received a redacted copy of the requested report which resolved the ULP and requested to withdraw the charge.

WHEREFORE, this Charge is hereby dismissed.

IT IS SO ORDERED.

/s/Charles D. Long, Jr.
CHARLES D. LONG, JR.
Executive Director
Public Employment Relations Board

DATED: 25 February 2004